REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 19, 2004. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected and Claims 14 and 15 were objected to due to informalities. Claims 1, 9, and 14-16 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Claims Objections

Claims 14 and 15 were objected to by Examiner due to informalities. Applicants amend Claims 14 and 15 appropriately to overcome these objections.

Rejections under 35 U.S.C. §102

Claims 9 and 16 were rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/0147941 filed by Robert Gentile ("Gentile").

Claim 9

Claim 9 has been amended to recite that BIOS recovery logic, "determines if the second firmware unit contains a good copy of the BIOS code, and automatically recovers from BIOS corruption...in response to determining that the second firmware unit contains a good copy of the BIOS code."

Gentile discloses a computer system that performs a validity test on the BIOS at startup. If the BIOS fails the validity test, the computer system connects to a recovery server over a communications network, transmits its system information and downloads an uncorrupted version of its BIOS. The computer system then overwrites the corrupted BIOS with the uncorrupted BIOS (Gentile, Abstract). Gentile does not disclose, however, a system that determines if the BIOS in the BIOS server is valid.

Inasmuch as Gentile does not teach or suggest <u>determining if a second firmware unit</u> <u>contains a good copy of BIOS code</u>, or that the good BIOS image is copied from the second firmware unit to the first firmware unit <u>in response to determining that the second firmware unit</u> <u>contains a good copy of the BIOS code</u>, Gentile does not teach or suggest each and every element recited in amended Claim 9. Consequently, a rejection under 35 U.S.C. § 102(e) is unsupported, and the Applicants respectfully request the Examiner to withdraw his rejection of Claim 9.

Claim 16

The Applicants have amended Claim 16 to recite, "automatically determining if the second firmware unit contains a good copy of the BIOS image...and in response to determining that the second firmware unit contains a good copy of the BIOS image, automatically ... causing a good BIOS image from the second firmware unit in the second node to be copied to the first firmware unit in the first node."

Inasmuch as Gentile does not teach or suggest automatically <u>determining if the second</u> <u>firmware unit contains a good copy of the BIOS image</u>, nor causing a good BIOS image to be copied from the second firmware unit to the first firmware unit <u>in response to determining that</u> <u>the second firmware unit contains a good copy of the BIOS image</u>, Gentile does not teach or suggest each and every element recited in amended Claim 16. Inasmuch as Gentile does not teach or suggest each and every element recited in amended Claim 16, a rejection under 35 U.S.C. § 102(e) is unsupported, and the Applicants respectfully request the Examiner to withdraw his rejection of Claim 16.

Rejections under 35 U.S.C. §103

Claims 1-5, 7, 10-15, and 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gentile in view of Applicants' admitted prior art ("AAPA").

Claims 1-5, and 7

Claim 1 has been amended to recite, "determining if the second firmware unit contains a good copy of the BIOS image...and in response to determining that the second firmware unit contains a good copy of the BIOS image...copying a good BIOS image from the second firmware unit in the second node to the first firmware unit in the first node."

The combination of Gentile and AAPA does not teach or suggest determining if a second firmware unit contains a good copy of the BIOS image. Nor does the combination of Gentile and AAPA teach or suggest copying a good BIOS image from one firmware unit to another in response to determining that the second firmware unit contains a good copy of the BIOS image. Consequently, the combination of Gentile and AAPA does not teach or suggest each and every element recited in amended Claim 1, and a rejection under 35 U.S.C. § 103(a) is unsupported. The Applicants, therefore, respectfully request the Examiner to withdraw the rejection of Claim 1.

Inasmuch as Claims 2-5 and 7 depend from allowable independent Claim 1, Claims 2-5 and 7 are themselves allowable, which allowance is respectfully requested.

Claims 10-15

For the reasons set forth above, the Applicants submit that independent Claim 9 is allowable. Inasmuch as 10-15 depend from allowable independent Claim 9, Claims 10-15 are themselves allowable, which allowance is respectfully requested.

Claims 17-19

For the reasons set forth above, the Applicants submit that independent Claim 16 is allowable. Inasmuch as Claims 17-19 depend from allowable independent Claim 16, Claims 17-19 are themselves allowable, and such allowance is respectfully requested.

Claim 6

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gentile in view of AAPA, and further in view of U.S. Patent Application Publication No. US 2002/0091807 filed by Brian Gerard Goodman ("Goodman"). For the reasons set forth above, the Applicants submit that independent Claim 1 is allowable. Inasmuch as Claim 6 depends from allowable independent Claim 1, Claim 6 is itself allowable. The Applicants, therefore, respectfully request the Examiner to withdraw the rejection of Claim 6, and allow Claim 6 to issue.

Claims 8 and 20

Claims 8 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gentile in view of AAPA, and further in view of U.S. Patent Application Publication No. US 2002/0073353 filed by Andrew J. Fish ("Fish"). Inasmuch as Claims 8 and 20 depend from allowable independent Claims 1 and 16, respectively, Claims 8 and 20 are themselves allowable. The Applicants, therefore, respectfully request the Examiner to withdraw its rejection of Claims 8 and 20, and allow Claims 8 and 20 to issue.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-20 as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0383 of Baker Botts L.L.P. in order to effectuate this filing.
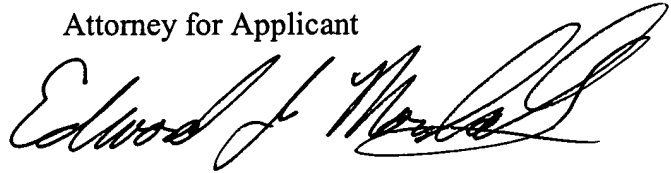
If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,

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